

**DECLARATION**

As a below named inventor, I declare that:

My residence, post office address and citizenship are as stated below next to my name; I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural inventors are named below) of the subject matter which is claimed and for which a patent is sought on the invention entitled: **Genetic Constructs Having Heterologous 3' Polyadenylation Signal Sequence Motifs That Function In Plants** the specification of which    is attached hereto or   X   was filed on **June 20, 2003** as Application No. **10/600,230** , and was amended on                      (if applicable).

I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above. I acknowledge the duty to disclose information, which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, §1.56. I claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed.

**Prior Foreign Application(s)**

| Country | Application No. | Date of Filing | Priority Claimed Under<br>35 USC §119 |
|---------|-----------------|----------------|---------------------------------------|
|         |                 |                |                                       |

I hereby claim the benefit under Title 35, United States Code §119(e) of any United States provisional application(s) listed below:

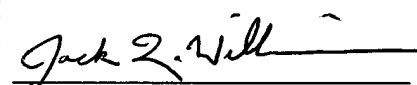


| Application No. | Filing Date   |
|-----------------|---------------|
| 60/390,529      | June 20, 2002 |

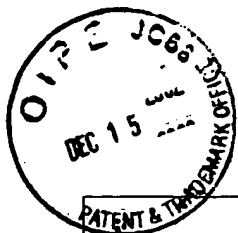
I claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, Section 1.56 which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

| Application No. | Date of Filing | Status |
|-----------------|----------------|--------|
|                 |                |        |

|                          |  |   |  |
|--------------------------|--|---|--|
| Full Name of Inventor 1: | Full Name:<br><b>Jack Q. Wilkinson</b>   |   |  |
| Residence & Citizenship: | City:<br><b>Redwood City</b>   | State/Foreign Country:<br><b>California</b> | Country of Citizenship:<br><b>United States of America</b> |
| Post Office Address:     | Post Office Address:<br><b>505 Shell Parkway #1107, Redwood City, CA 94065</b> |   |  |
| Full Name of Inventor 2: | Full Name:<br><b>Kevin McBride</b>   |   |  |
| Residence & Citizenship: | City:<br><b>Davis</b>  | State/Foreign Country:<br><b>California</b> | Country of Citizenship:<br><b>United States of America</b> |
| Post Office Address:     | Post Office Address:<br><b>1309 Marina Circle, Davis, CA 95616</b>             |   |  |
| Full Name of Inventor 3: | Full Name:<br><b>Sean Bertain</b>  |   |  |
| Residence & Citizenship: | City:<br><b>Piedmont</b>   | State/Foreign Country:<br><b>California</b> | Country of Citizenship:<br><b>United States of America</b> |
| Post Office Address:     | Post Office Address:<br><b>89 Nova Drive, Piedmont, CA 94610</b>               |   |  |

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

|  |  |   |
|--|--|---|
| Signature of Inventor 1<br><br><b>Jack Q. Wilkinson</b> | Signature of Inventor 2<br><br><b>Kevin McBride</b> | Signature of Inventor 3<br><br><b>Sean Bertain</b> |
| Date <b>10/27/03</b>   | Date <b>10-31-03</b>   | Date <b>10/27/03</b>  |



(Modified) PTO/SB/81 (11-96)  
Approved for use through 6/30/99. OMB 0651-0035

**POWER OF ATTORNEY OR  
AUTHORIZATION OF AGENT, NOT  
ACCOMPANYING APPLICATION**

|                        |                   |
|------------------------|-------------------|
| Application Number     | 10/600,230        |
| Filing Date            | Jun 20, 2003      |
| First Named Inventor   | Jack Q. Wilkins n |
| Group Art Unit         | Unassigned        |
| Examiner Name          | Unassigned        |
| Attorney Docket Number | 0325.210US        |

I hereby appoint:

☒ Practitioners at Customer Number

**30560**

Type Customer Number Here

OR

Practitioner(s) named below:

| Name                | Registration Number |
|---------------------|---------------------|
| Norman J. Kruse     | 35,235              |
| Sharon M. Fujita    | 38,459              |
| Margaret A. Powers  | 39,804              |
| Joanne R. Petithory | 42,995              |

as my/our attorney(s) or agent(s) to prosecute the application identified above, and to transact all business in the Patent and Trademark Office connected therewith.

Please change the correspondence address for the above-identified application to:

☐ The above-mentioned Customer Number.

OR

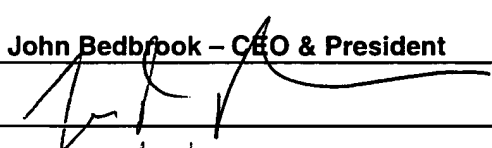
|                         |       |     |  |  |
|-------------------------|-------|-----|--|--|
| Firm or Individual Name |       |     |  |  |
| Address                 |       |     |  |  |
| Address                 |       |     |  |  |
| City                    | State | Zip |  |  |
| Country                 |       |     |  |  |
| Telephone               | Fax   |     |  |  |

I am the

☐ Applicant.

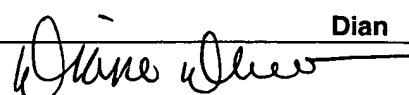
☐ Assignee of record of the entire interest (*Certificate under 37 CFR 3.73(b) is enclosed*)

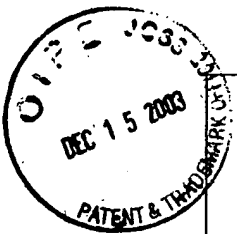
SIGNATURE of Applicant or Assignee of Record

|           |   |
|-----------|---|
| Name      | John Bedbrook - CEO & President   |
| Signature |  |
| Date      | 11/4/2003   |

**CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited with the United States as first class mail in an envelope addressed to:  
Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, Mail-Stop: Missing Parts on this date: 12/8/03

|                       |   |      |         |
|-----------------------|---|------|---------|
| Typed or printed name | Dian D. Dunn  |      |         |
| Signature             |  | Date | 12/8/03 |



**STATEMENT UNDER 37 CFR §3.73(b)**

Applicant: Jack Q. Wilkinson t al.

Application No.: 10/600,230

Filed: June 20, 2003

Entitled: Genetic Construct Having Heterologous 3' Polyadenylation Signal Sequence Motifs That Function in Plants

Verdia, Inc.

, a

corporation

(Name of Assignee)

(Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or  
2. ☐ an assignee of an undivided part interest

in the patent application identified above by virtue of either:

A. ☒ An assignment from the inventor(s) of the patent application identified above. The assignment was recorded in the Patent and Trademark Office at Reel \_\_, Frame \_\_, or for which a copy thereof is attached.

OR

B. ☐ A chain of title from the inventor(s), of the patent application identified above, to the current assignee as shown below:

1. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the Patent and Trademark Office at Reel \_\_\_\_, Frame \_\_\_\_, or for which a copy thereof is attached.
2. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the Patent and Trademark Office at Reel \_\_\_\_, Frame \_\_\_\_, or for which a copy thereof is attached.
3. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the Patent and Trademark Office at Reel \_\_\_\_, Frame \_\_\_\_, or for which a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplemental sheet

☒ Copies of assignments or other documents in the chain of title are attached.

The undersigned (whose title is supplied below) is empowered to sign this statement on behalf of the assignee.

11/04/2003  
Date

[Signature]  
Signature  
John Bedbrook  
Typed or printed name  
CEO & President  
Title

COPY

Attorney Docket No: 0325.210US

**ASSIGNMENT OF PATENT APPLICATION**

**JOINT**

WHEREAS, Jack Q. Wilkinson of 505 Shell Parkway, #1107, Redwood City, CA 94065, Kevin McBride of 1309 Marina Circle, Davis, CA 95616, and Sean Bertain of 89 Nova Drive, Piedmont, CA 94610, hereinafter referred to as "Assignors," are the inventors of the invention described and set forth in the below-identified application for United States Letters Patent:

Title of Invention: Genetic Construct Having Heterologous 3'  
Polyadenylation Signal Sequence Motifs  
That Function in Plants

Filing Date: June 20, 2003

Application No.: 10/600,230; and

WHEREAS, Verdia, Inc., a Delaware corporation, located at 515 Galveston Drive, Redwood City, California 94063, hereinafter referred to as "ASSIGNEE," is desirous of acquiring an interest in the invention and application and in any U.S. Letters Patent and Registrations which may be granted on the same;

For good and valuable consideration, receipt of which is hereby acknowledged by Assignors, Assignors have assigned, and by these presents do assign to Assignee all right, title and interest in and to the invention and application and to all foreign counterparts (including patent, utility model and industrial designs), and in and to any Letters Patent and Registrations which may hereafter be granted on any patent application claiming priority from the same in the United States and all countries throughout the world, and which claim the priority from the application as provided by the Paris Convention. The right, title and interest is to be held and enjoyed by Assignee and Assignee's successors and assigns as fully and exclusively as it would have been held and enjoyed by Assignors had this Assignment not been made, for the full term of any Letters Patent and Registrations which may be granted thereon, or of any division, renewal, continuation in whole or in part, substitution, conversion, reissue, prolongation or extension thereof.

Assignors further agree that they will, without charge to Assignee, but at Assignee's expense, (a) cooperate with Assignee in the prosecution of U.S. Patent applications and foreign counterparts on the invention and any improvements, (b) execute, verify, acknowledge and deliver all such further papers, including applications and instruments of transfer, and (c) perform such other acts as Assignee lawfully may request to obtain or maintain Letters Patent and Registrations for the invention and improvements in any and all countries, and to vest title thereto in Assignee, or Assignee's successors and assigns.

Assignment - Atty Docket No: 0325.210US  
Application No: 10/600,230  
Page 2 of 2

IN TESTIMONY WHEREOF, Assignors have signed his/her name on the date indicated.

Dated: 10/27/03

Jack Q. Wilkinson  
Jack Q. Wilkinson

SIGNATURE WITNESSED BY:

(1) Date: 10/27/03

Diane O'Neil  
Signature of Witness 1

Dated: 10-31-03

Kevin McBride  
Kevin McBride

SIGNATURE WITNESSED BY:

(1) Date: 10/31/03

Diane O'Neil  
Signature of Witness 1

Dated: 10/27/03

Sean Bertain  
Sean Bertain

SIGNATURE WITNESSED BY:

(1) Date: 10/27/03

Diane O'Neil  
Signature of Witness 1